



WARRICK COUNTY COMMISSIONERS ORDINANCE # 2018-30

PLAN COMMISSIONER DOCKET # PC-R-18-10

AN ORDINANCE TO AMEND THE WARRICK COUNTY, INDIANA
COMPREHENSIVE ZONING ORDINANCE BY REZONING CERTAIN
REAL ESTATE IN WARRICK COUNTY, INDIANA

2018R-009255
PAT BROOKS
WARRICK COUNTY RECORDER
RECORDED AS PRESENTED ON
11/15/2018 12:30 PM
REC FEE: 0.00
PAGES: 6

**BE IT ORDAINED BY COMMISSIONERS OF WARRICK
COUNTY, INDIANA:**

Section 1. That the Warrick County, Indiana Comprehensive Zoning Ordinance and the Warrick County Zoning District Maps dated February 1, 2005 and made a part of said Ordinance, be and the same are hereby amended as follows:

That the boundaries of the "A" District as shown on said Warrick County Zoning District Maps, be amended as to the described real estate:

Part of the Northwest Quarter of the Southwest Quarter of Section 36, Township 6 South, Range 9 West in Ohio Township, Warrick County, Indiana and being more particularly described as follows:

Commencing at the Northwest Corner of the Northwest Quarter of the Southwest Quarter of said Section 36; thence along the west line of said Quarter Quarter Section, South 00 degrees 42 minutes 25 seconds West 484.81 feet; thence South 89 degrees 08 minutes 21 seconds East 117.62 feet to the point of beginning; thence North 00 degrees 09 minutes 18 seconds East 137.72 feet to the center of Sharon Road; thence along Sharon Road, North 79 degrees 50 minutes 00 seconds East 289.50 feet; thence South 00 degrees 03 minutes 32 seconds East 191.98 feet; thence South 00 degrees 02 minutes 35 seconds East 296.15 feet; thence North 89 degrees 22 minutes 00 seconds West 286.57 feet; thence North 00 degrees 09 minutes 18 seconds East 296.14 feet to the point of beginning and containing a gross area of 3.02 acres, more or less.

Subject to all easements, rights-of-ways, and restrictions of record.

Which real estate is zoned and classified as part of the Agricultural District, as shown on the aforesaid Warrick County Zoning District Maps, so that said above described real estate shall be and the same is hereby rezoned and reclassified from said Agriculture District to said C-1 Neighborhood Commercial District.

Section 2. All Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

Section 3, This Ordinance shall be in full force and effect from and after its passage by the Board of Commissioners of the County of Warrick, State of Indiana.

Section 4, The subject property herein rezoned shall used and developed only in accordance with the use and development commitment which is attached hereto and incorporated herein and no improvement location permits shall be issued until the petitioner records said use and development commitment in the office of the Recorder of Warrick County, Indiana.

X Ref # 2008R-009711
2008R-009712
2010R-008589

Don Saylor
President

Robert H. Johnson
Member

Marki Wersheit
Member
BOARD OF COMMISSIONERS
WARRICK COUNTY INDIANA

County Auditor: Charles T. Dunn

Date Approved: 11/13/18

I affirm under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law,

[Signature]
Signature

Scott Buedel
Printed Name

This document prepared by: Scott Buedel, Cash Waggner and Associates, PC
414 Citadel Circle, Suite B, Evansville, IN 47715.

USE AND DEVELOPMENT COMMITMENT

WHEREAS the Undersigned, BBCF Properties, LLC, Petitioner, is the owner of certain real estate situated in the County of Warrick, Indiana, commonly described as being on the South side of Sharon Road, approximately 100 feet East of the intersection formed by State Road 66 and Sharon Road, in Ohio Township, which real estate is more particularly described as follows, to wit:

Part of the Northwest Quarter of the Southwest Quarter of Section 36, Township 6 South, Range 9 West in Ohio Township, Warrick County, Indiana and being more particularly described as follows:

Commencing at the Northwest Corner of the Northwest Quarter of the Southwest Quarter of said Section 36; thence along the west line of said Quarter Quarter Section, South 00 degrees 42 minutes 25 seconds West 484.81 feet; thence South 89 degrees 08 minutes 21 seconds East 117.62 feet to the point of beginning; thence North 00 degrees 09 minutes 18 seconds East 137.72 feet to the center of Sharon Road; thence along Sharon Road, North 79 degrees 50 minutes 00 seconds East 289.50 feet; thence South 00 degrees 03 minutes 32 seconds East 191.98 feet; thence South 00 degrees 02 minutes 35 seconds East 296.15 feet; thence North 89 degrees 22 minutes 00 seconds West 286.57 feet; thence North 00 degrees 09 minutes 18 seconds East 296.14 feet to the point of beginning and containing a gross area of 3.02 acres, more or less.

Subject to all easements, rights-of-ways, and restrictions of record.

Parcel Numbers 87-12-36-300-159.000-019 and 87-12-36-300-045.000-019 and 87-12-36-300-044.000-019

WHEREAS, as the real estate is currently classified as an Agricultural (A) Zoning district under the Warrick County Zoning Code and is so indicated on the zoning maps maintained by the staff of the Warrick County Area Plan Commission; and

WHEREAS, Petitioner has requested that the Real Estate be reclassified to zoning district C-1; and

WHEREAS, Petitioner is desirous of accommodating the concerns of the surrounding property owners by making a written commitment concerning the use and development of the Real Estate pursuant to I.C. 36-7-4-613;


NOW, THEREFORE, in consideration of the foregoing, petitioner makes the following use and development commitment:

1. Use of the Real Estate shall be limited to the following uses:
All C-1 Uses
2. Use of the Real Estate shall be limited to the following development requirements:
 - a. Construct an earthen berm along the east side of the subject property. The minimum height of the berm to be constructed will be 5 feet above the existing ground elevation. The top of the berm will be 10 feet wide and the side will not be steeper than a 3 to 1 slope. The

dimensions of the berm are approximately shown on the attached site plan, and shall extend a sufficient width to shield any constructed building on the property.

- b. Install two rows of Green Giant Arborvitae trees on top of the earthen berm. The minimum height of the trees, at the time of planting, shall be 4 feet. The trees will be in a line spaced a maximum of 10 feet apart and the second row will be in a line spaced 10 feet apart and offset 8 feet from the first row in a staggered location.
 - c. The location and dimensions of the trees are shown on the attached site plan. Trees shall be installed prior to obtaining a certificate of occupancy for the commercial use of the property.
 - d. The owner shall have the obligation to maintain and replace the trees within 4 months of death or other destruction.
 - e. Directional lighting at the entrances, along drive isles and around the property will be used to minimize light exposure to the adjoining property to the east.
 - f. Trash receptacles shall be covered and dumpsters shall be enclosed in gated fencing. The property shall be maintained free of trash accumulation not contained in proper receptacles.
3. The property may not be utilized commercially unless and until it is connected to a municipal sanitary sewer system.
4. All commitments and undertakings herein expressed shall be binding on the petitioner and the petitioner's heirs, legal representative, successors and assigns, and shall run in the favor of the Area Plan Commission of Warrick County and all the owners of real estate lying within the radius of one (1) mile from the real estate described and shall be enforced by invoking any legal, equitable or special remedy, including specific performance, injunction or equitable relief pursuant to the manner of enforcement as set forth in I.C. 36-7-4-1013, 36-7-4-1014 and 36-7-4-1015. If it is necessary to initiate administrative or judicial proceedings to enforce any such commitment or undertaking, the person or entity obtaining enforcement in such proceedings shall also recover its reasonable attorneys' fees and costs of suit from the undersigned. This commitment as it is made to the legislative body of Warrick County, Indiana as a part of a rezoning under the 600 series of I.C. 36-7-4, may only be modified or terminated by the legislative body of Warrick County as set forth in IC 36-7-4-1015 (5)(B).
5. The development requirements, outlined in this Use and Development Commitment as items 2a, 2b, 2c, 2d and 2e, will automatically expire when the adjoining property to the east or a portion of the adjoining property to the east (Parcel Numbers 87-12-36-300-105.000-019 and 87-12-36-300-043.000-019) is rezoned to R-MH (Mobile Home Park) or any commercial zoning or any industrial zoning.

IN WITNESS WHEREOF, this Use and Development Commitment is hereby made and entered into this 14th day of Nov, 2018 by BBCF Properties, LLC for the purpose set forth herein.



BBCF Properties, LLC
William L. Felts, Member

STATE OF INDIANA)
) SS:
COUNTY OF VANDERBURGH)

Before me, the undersigned, a Notary Public and for said County and State, personally appeared the within named William L. Felts, Member (BBCF Properties, LLC) who acknowledged the execution of the foregoing Use and Development commitment to be his free voluntary act and deed.

WITNESS my hand and Notarial Seal this 14th day of November, 2018.

NOTARY PUBLIC


Signature



CAITLIN M.H. HOULE
Resident of Vanderburgh County, IN
Commission Expires: June 20, 2019
Printed Name

A resident of _____ County, Indiana.

My commission expires: _____

I affirm under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law.

This instrument prepared by: Scott Buedel of Cash Waggoner & Associates, PC, 414 Citadel Circle, Evansville, IN 47715, Phone 812-401-5561

SR 66

SR 66

SR 66

Bearing Basis

Bearings used for this exhibit are based on a survey by US Surveyor for William and Anita Felt.

Title 865 IAC 1-12-12

All boundary lines and rights-of-ways shown on this exhibit are based on a limited number of found monuments. This drawing is not intended to be represented as a retracement survey, original survey, a route survey of a surveyor location report.

SHARON ROAD

N 79°50'00" E 289.50'

22.28'

R/W

N 00°09'18" E 137.72'

LAR/W

N 00°09'18" E 296.14'

End L.A.R/W

Begin L.A.R/W

N 89°22'00" W 286.57'

54 Gluff Arborvitae trees,
C2 staggered rows with
each row of trees in line
and spaced 10' apart

245 feet

3:1 slope
Earthen Berm
10' Top Width
and 5' high

S 00°03'32" E 191.98'

Toe of slope to be 25' from the
right-of-way of Sharon Road
unless Warrick County requires
its location moved further south
for safety reasons.

S 00°02'35" E 296.15'

3:1 slope
Toe of slope is
2' +/- off line



0 60 120

LINEAR SCALE 1" = 60'



PROJECT NO.: 18-3386
DRAWN BY: BUEDEL
FILENAME: UDC EXHIBIT.DWG
SCALE: 1" = 60'
DATE: 8/3/2018

PROJECT: SR 66 & SHARON ROAD
CLIENT: BBCF PROPERTIES, L.L.C.
SHEET TITLE: USE & DEVELOPMENT EXHIBIT - BERM & TREES SR 66 & SHARON ROAD



CASH WAGNER & ASSOCIATES, P.C.
CONSULTING ENGINEERS • LAND SURVEYORS
WWW.CASHWAGNER.COM

414 CITADEL CIRCLE
SUITE B
EVANSVILLE, IN 47715
PH: 812.401-5561
FAX: 812.401-5563